

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC., et al.,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 2:18CV530-MSD-LRL
)	
NORFOLK SOUTHERN RAILWAY)	
COMPANY, et al.,)	
)	
Defendants.)	
_____)	

CONSENT MOTION TO SUSPEND DISCOVERY DEADLINES

Defendants Thomas Hurlbut, Jerry Hall and Philip Merilli (the “Individual Defendants”), by counsel, pursuant to Fed. R. Civ. P. 6(b)(1)(A) and E.D. Va. Loc. R. 37(F), move for the entry of an order suspending the following discovery deadlines:

- The Individual Defendants’ deadline to serve objections in response to Plaintiff CSX Transportation, Inc.’s (“CSXT”) First Set of Requests for Admission, Interrogatories, and Requests for Production to Individual Defendants, which were served on January 9, 2020 (“CSXT’s First Discovery Requests”), currently due January 31, 2020 per the Order entered at ECF No. 110.
- The Individual Defendants’ deadline to serve responses to CSXT’s First Discovery Requests, currently due February 10, 2020.
- CSXT’s deadline to respond to Jerry Hall’s First Set of Interrogatories, Requests for Admission, and Requests for Production of Documents to CSXT, which were served on January 10, 2020, currently due February 10, 2020.

Good cause exists for such mutual suspension of discovery deadlines between CSXT and the Individual Defendants because the parties agree that the injunctive relief sought from these particular Individual Defendants is now moot, as they are no longer directors on the NPBL Board and the parties require time to determine whether certain procedural issues raised by this

development can be resolved by agreement or whether motions practice will be required. Counsel for the Individual Defendants has conferred with counsel for CSXT and has confirmed that CSXT consents to the relief requested, provided that the suspension of deadlines is mutual as between CSXT and the Individual Defendants. Accordingly, the Individual Defendants ask that the discovery deadlines set forth herein be suspended pending resolution of the mootness issue. A proposed order granting this relief is filed contemporaneously herewith.

Dated: January 31, 2020

Respectfully submitted,

JERRY HALL, THOMAS HURLBUT,
and PHILIP MERILLI

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of January, 2020, I will electronically file the foregoing with the Clerk of Court using CM/ECF system, which will then send a notification of such filing (NEF) to all counsel of record.

By: _____/s/
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